

REMARKS

The Applicant respectfully requests that the Examiner consider the following remarks in addition to the above claim amendment.

Disposition of Claims

On the Office Action Summary page, the Disposition of Claims section, line 4 indicates “Claim(s) 5, 8-18, 20-22, 24, and 29-31 is/are pending in the application” and line 5 indicates “Claim(s) 8-14, 16-18, 20-22, 24, 29, and 327[sic, 32] is/are allowed.” It appears as though the Examiner inadvertently missed claims 19 and 32 in line 4, and missed claim 19 in line 5. The Applicant also assumes that the Examiner intended to indicate claim “32” as allowed and not “327” in line 5.

Claim Rejections - 35 USC § 112, ¶1

Claims 5, 15, and 30 stand rejected under § 112, ¶ 1, “as failing to comply with the enablement requirement.” The Examiner states, “[t]he claim(s) contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.” Specific comments were only provided regarding independent claim 30. Claims 5 and 15 depend from claim 30.

Claim 30 is an independent expression of independent claim 2, and dependent claims 3 and 4, as originally filed. The substantive portion of original claim 4 reads as follows (annotated here with the material in square brackets):

wherein the space [for example, 30] between the center section [24] and both the left wing section [8] and the right wing section [10] further defines the slot [including, for example, the upper slot 66a, the wall-facing-side of top retention band 32, the lower slot 66b, and wall-facing-side of top center section 26].

Thus, original claim 4 discloses “the space” between the center section and “both the left wing section and the right wing section” as further defining “the slot.” In this claim, “the slot” is the “channel” or “trough” in which the sliding member 4 slides. Because of the way this slot or channel is formed in this configuration, a “space” is formed on both sides of the slot or channel. Therefore, the Applicant respectfully submits that, contrary to the Examiner’s assertion, the

disclosure as originally filed does in fact convey with reasonable clarity to those skilled in the art that, as of the filing date sought, the Applicant was in possession of the claimed invention. Further, the application as originally filed does enable one skilled in the art to make and/or use the claimed invention.

As the Examiner may recall, in the 15 June 2006 Office action, original claim 4 was rejected under 35 USC § 112, ¶ 2, since “the space” in claim 4 lacked proper antecedent basis. In that same Office action, the Examiner stated that claim 4 would be allowable if rewritten to overcome this § 112, ¶ 2, rejection and to include all of the limitation of base claim 2 and intervening claim 3. When the Applicant rewrote claim 4 as new independent claim 30, the Applicant amended the language of original claim 4 to read as follows:

wherein the slot is further defined by
a first space between the center section and the left wing
section, and
a second space between the center section and the right
wing section.

Thus, if one were to mark up original claim 4 to show how it was modified before being incorporated into the final portion of independent claim 30, it would appear as follows:

wherein the slot is further defined by
a first space between the center section and both the left
wing section, and
a second space between the center section and the right
wing section—further defines the slot.

In view of the above discussion, and in order to clarify what is meant by the “spaces” between the center section and the left and right wing sections, the Applicant has amended claim 30 to refer to the “center transition steps.” Thus, the Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 30 and its dependent claim 5 and 15 under 35 USC § 112, ¶ 1.

Claim Rejections - 35 USC § 103(a)

Claim 31 stands rejected under 35 USC § 103(a), “as being unpatentable over Helzer in view of U.S. Patent No. 2,614, 778 to Graves.” In order to expedite the allowance of this application, and without acquiescing in this rejection, the Applicant has canceled claim 31 without prejudice.

Amendment to Drawing Sheets 1/9 and 6/9

The Applicant renews the request made in the Applicant's 30 May 2007 response to the 30 November 2006 Office action for the Examiner to indicate whether the amendments to drawing sheets 1/9 and 6/9 filed on 7 September 2006 have been accepted by the Examiner. In the 30 November 2006 Office action, the Examiner did not indicate whether the amended drawing sheets were accepted.

Conclusion

The Applicant believes that each of the pending claims remaining in this application following this amendment, namely claims 5, 8-22, 24, 29, 30, and 32, is now in condition for allowance. The Applicant respectfully requests allowance of these twenty claims. The Applicant hereby petitions for a one-month extension of time to respond to the Office action. The petition fee is being paid concurrently with this filing. The Applicant does not believe that any other fees are currently due for this filing. If the Examiner has any further questions, she is encouraged to contact the undersigned attorney.

Respectfully submitted this 28th day of November 2007.

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